

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

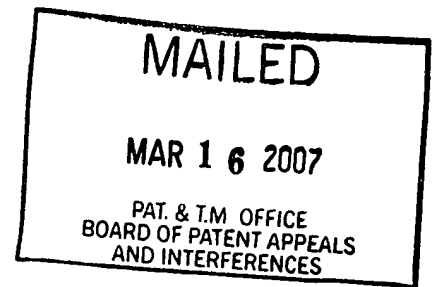
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Ex parte SACHIKO NISHIURA

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Application No. 09/454,755

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on August 25, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On June 20, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 2, paragraph 8, the examiner has stated, "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references to Vyncke et al. (U.S. Patent No. 5,926,185), Cannon et al. (U.S. Patent No. 5,559,950), and Capps et al. (U.S. patent

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No. 5,583,542) were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the examiner's answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.

In addition, the Examiner's Answer mailed June 20, 2006, does not fully in compliance with the requirements of 37 CFR § 41.3. The following heading needs to be included in accordance with the MPEP § 1207.02:

**(2) *Related Appeals and Interferences.*** A statement identifying by application, patent, appeal or interference number all other prior and pending appeals, interferences or judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in the pending appeal. Copies of any decisions rendered by a court or the Board in any proceeding identified under this paragraph should be included in the *Related proceedings appendix* section.

Proper correction of the Examiner's Answer is required.

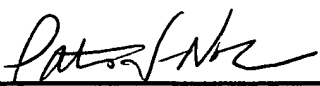
Accordingly, it is

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**ORDERED** that the application is returned to the Examiner for:

- 1) to issue a revised Examiner's Answer having the missing references listed under the "Evidence Relied Upon" section, paragraph (8) and to include the missing content and heading "Related Appeals and Interferences"; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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PATRICK J. NOLAN  
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PJN/pgc

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